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POLICY NUMBER: 21.4		
CHAPTER 21: PRISONER COMMUNICATION		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by: <u>Martin Magnusson</u> Signature of Commissioner	PROFESSIONAL STANDARDS: See Section VII.
EFFECTIVE DATE: August 4, 2003	LATEST REVISION: September 20, 2004	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

All Departmental Adult Facilities

III. POLICY

It is the policy of the Department of Corrections to permit prisoners to have visits with family, friends, and professional visitors under conditions that are consistent with the safety, security, and orderly management of the facility.

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Procedure A: Visitation, General

1. Each facility shall establish a visitation program to afford prisoners with reasonable opportunities to visit with relatives and friends upon their written request, in accordance with departmental policy and procedures and written facility specific practices. Each facility shall establish space and make provisions for appropriate levels of staffing to accommodate the visitation program.
2. Each facility shall develop a visitation schedule. Visiting hours shall be flexible enough to afford opportunities for prisoners to participate in the facility's visitation program.
3. Prisoners shall be provided information concerning the facility's visitation schedule and rules during facility orientation. Copies of the current visitation schedule shall be posted to communicate the schedule to staff and prisoners. Visitation rules shall be included in the prisoner handbook. Visitors shall be provided information concerning the facility visitation schedule and rules. Visitors, upon request, shall also be provided with information regarding any available public transportation to the city closest to the facility.
4. Prisoners shall not be allowed regular visits until the reception classification process is completed and the prisoner has been placed in the housing unit recommended by the reception classification committee and approved by the Chief Administrative Officer, or designee.
5. All regular visits shall be scheduled with at least twenty-four (24) hours notice.
6. Prisoners shall be responsible for notifying their visitors if limits are placed on their visits for any reason. The facility shall make reasonable efforts to inform visitors at the time appointments are scheduled when restrictions have been imposed on a prisoner's visits.
7. The Chief Administrative Officer, or designee, shall determine visiting privileges for all prisoners who are housed outside the facility, e.g., in hospitals, nursing homes, halfway houses, etc.
8. A visitor traveling from out of state or presenting another reason for an extended visit may request extra visit time. The Chief Administrative Officer, or designee, may allow extra visit time, provided space and staff are available to accommodate the request. The decision whether to allow extra visit time or deny the request is at the sole discretion of the Chief Administrative Officer, or designee.
9. The Chief Administrative Officer, or designee, may allow exceptions to visitor authorization requirements, e.g., completion of the application form, in extenuating circumstances, e.g., family making a one time visit from out of state. The decision whether to allow an exception or deny the request is at the sole discretion of the Chief

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Administrative Officer, or designee.

Procedure B: Regular Visitor Approval Process and Approved (Regular) Visitor List

1. During initial orientation, each prisoner shall be asked to designate in writing those persons that the prisoner wishes to apply for regular visitation privileges. The prisoner shall be responsible to provide Visitor Application Forms to potential regular visitors. (See Attachment A)
2. A designated potential regular adult visitor shall be required to complete a Visitor Application Form. The application form shall include a copy of the facility visitation rules. An incomplete application shall not be processed. False information on an application form may result in denial of visiting privileges.
3. At facilities with a secure perimeter, a background check of proposed adult visitors (eighteen years of age or older, married, or emancipated by court order) shall be a requirement for regular visits and may be required by the Chief Administrative Officer, or designee, for other proposed visitors. For a person under eighteen years of age who is married or emancipated by court order, a copy of the marriage certificate or court order must be attached to the application form. If a prisoner is returned to a facility with a secure perimeter, a background check shall be performed on any proposed regular adult visitor who has not already had such a check performed. Visits from the proposed visitor shall not be permitted until clearance is granted. A background check shall be performed at other facilities when directed by the Chief Administrative Officer, or designee. Prior to clearing a potential regular visitor, the Chief Administrative Officer, or designee, shall ensure there is conducted a review of the prisoner's Administrative Record to determine whether the potential visitor is to be added to the prisoner's Prohibited Visitor List (see Procedure C, #2). Regular visitors who are cleared shall be included on the prisoner's Approved Visitor List (See Attachment B).
4. Current prisoners who already have an approved visitor list as of the effective date of this policy are exempt from Procedures B 1 and B 2 with respect to persons already on the list.
5. A prisoner may request at any time that a regular visitor be deleted from the prisoner's approved visitor list by writing to the visit officer or other staff designated by the Chief Administrative Officer. A prisoner may request that an addition be made to the prisoner's approved visitor list by writing to the visit officer or other staff designated by the Chief Administrative Officer once per quarter of the calendar year. The prisoner shall be responsible to provide a visitor application form to the potential additional visitor.
6. A person who has been approved for a prisoner's approved visitor list may submit a written request to be removed from the list. A visitor may be reinstated to the prisoner's visit list upon written request by the visitor. A new background check may be required for any reinstated visitor.

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7. Visitors shall not be approved to be placed on the approved visitor list of more than one prisoner within a facility, unless they are members of the immediate family (spouse, natural, foster or adoptive mother, father, son, daughter, grandfather or grandmother, grandchild, brother or sister, or stepmother, stepfather, stepson, stepdaughter, stepgrandfather or stepgrandmother, stepgrandchild or stepbrother or stepsister) of more than one prisoner.
8. An approved volunteer shall not be permitted to schedule a regular visit with any prisoner or be placed on any prisoner's approved visitor list. A person eligible to be a professional visitor to a prisoner shall not be permitted to schedule a regular visit with that prisoner or be placed on that prisoner's approved visitor list.
9. Any person who is on a prisoner's Prohibited Visitor List shall not be permitted to schedule a visit with the prisoner.

Procedure C: Prohibited Visitor List

1. The Chief Administrative Officer, or designee, shall determine whether a person is to be added to or deleted from a prisoner's Prohibited Visitor List. (See Attachment C)
2. A person shall be included on a prisoner's Prohibited Visitor List under the following circumstances:
 - a. A prisoner who is convicted of or otherwise known to have committed a sex offense or child abuse against a minor shall not be allowed to receive a visit from the victim without the prior approval of the Chief Administrative Officer, or designee.
 - b. When contact between a prisoner and another person is prohibited by court order (e.g., custody order, protection order), the prisoner shall not be allowed to receive a visit from that person.
 - c. When a prisoner's parental rights have been terminated, the prisoner shall not be allowed to receive a visit from the child while the child is still a minor.
 - d. When contact between a prisoner and another person is prohibited by a condition of probation of either person, the prisoner shall not be allowed to receive a visit from that person. This includes any condition of probation that is currently in effect, is to become effective at a later date, or is no longer in effect as the result of a current probation revocation.
 - e. The visitor's privileges to visit at any Department facility are under current suspension.
 - f. The visitor is a former prisoner within one year of discharge from any correctional facility for whom an exception to visit has not been approved by the Chief Administrative Officer, or designee.

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- g. The visitor is a probationer for whom an exception to visit has not been approved by the Chief Administrative Officer, or designee.
- h. A prisoner may be prohibited by the Chief Administrative Officer, or designee, from receiving a visit from any other person when there is reasonable suspicion that allowing a visit between them would facilitate criminal activity or violation of facility rules or would create a risk to the safety of persons, security, or orderly management of the facility.

Procedure D: Processing and Supervising Visitors

1. Each facility shall post signage at the visitor entrance stating that firearms and other weapons are not allowed on State property, that trafficking in prison contraband is a crime, and that all visitors are subject to search. Each facility shall post visitation rules in the visiting area(s).
2. Any visitor suspected of being under the influence of alcohol or drugs shall not be permitted to visit any prisoner and shall be required to leave facility property immediately.
3. Adult visitors shall be required to present government-issued picture identification, such as a driver's license, prior to admittance into the facility. Minor visitors may be required to present government-issued picture identification, such as a State of Maine identification card, or other government-issued identification, such as a birth certificate, prior to admittance into the facility. Professional visitors may also be required to present proof of professional capacity.
4. Each facility shall develop and implement written facility specific practices for the staging, processing, and supervision of visitors. Facilities with a secure perimeter shall develop and implement written facility specific practices for accurate and complete documentation of all visits to prisoners by the use of a Visit Card for each individual prisoner and a Visitor Sign-in Sheet for each day visits are allowed. Other facilities shall develop and implement written facility specific practices for ensuring that any person who is on a prisoner's Prohibited Visitor List is not permitted a visit with the prisoner.

Procedure E: Professional Visitation

1. A professional visit is a visit concerning a professional matter involving the prisoner between that prisoner and an attorney, a representative of a legal advocacy organization, Department of Corrections staff from outside the facility, staff from another state agency, staff from a federal agency, a law enforcement official, staff from a recognized community treatment program, or clergy visiting in his or her professional capacity.
2. No professional shall be allowed to visit a prisoner unless first authorized by the Chief Administrative Officer, or designee. Authorization shall be given unless there is reasonable suspicion that allowing the professional to visit would facilitate criminal activity or violation of facility rules or would create a risk to the safety of persons, security, or

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orderly management of the facility or unless contact between the prisoner and the professional is prohibited under one of the circumstances listed in Procedure C, 2, b, d, e, or f.

3. All professional visits must be scheduled in advance with the visit officer or other staff designated by the Chief Administrative Officer, or designee. Professional visits shall be scheduled for reasonable times and should be scheduled for times which least impact the prisoner's daily programming.
4. A professional visit shall be provided in an area that affords an opportunity for confidentiality. Under no circumstances shall staff intentionally listen to the conversation.

Procedure F: Contact and Non-Contact Visiting

1. Each facility shall develop and implement written facility specific practices for non-contact visitation with prisoners who are on disciplinary segregation, administrative segregation, or high risk management status.
2. Non-contact visitation shall also be provided for a professional visitor whenever that visitor or the prisoner requests that a visit be a non-contact visit. A regular visitor shall not be allowed non-contact visitation based solely on the prisoner's or visitor's request.
3. Non-contact visitation may also be required when an adequate search of a prisoner's visitor cannot be conducted due to the presence of a cast, prosthetic device, oxygen tank, wheelchair, or other medically required device.
4. Non-contact visitation may also be required by the Chief Administrative Officer for a prisoner who is found guilty of a disciplinary drug or tobacco violation (Test, Refusing to Take Drug Test; Trafficking; Trafficking Marijuana; Under the Influence or Taking of Substance {other than an alcoholic substance}; Smoking) or found guilty of a criminal violation of Trafficking in Prison Contraband or Trafficking in Tobacco. Such a restriction may be imposed for either a definite or indefinite period of time.
5. Non-contact visitation may also be required by the Chief Administrative Officer for other purposes of safety, security, or orderly management of the facility. Such a restriction may be imposed for either a definite or indefinite period of time.

Procedure G: Termination of Visits and Suspension of Visitation Privileges

1. A prisoner may refuse to attend or continue a visit at any time. A visitor may refuse to attend or continue a visit at any time. The visit shall then be terminated. If a visit is terminated, the visitor shall be required to leave facility property immediately.
2. Failure of a prisoner or visitor to comply with an authorized search shall result in the visit being terminated and the visitor being required to leave facility property immediately.

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Staff shall complete appropriate documentation and submit it to the Shift Commander who shall forward it to the Chief Administrative Officer, or designee.

3. If any visitor or prisoner exhibits behavior which is inappropriate, including inappropriate physical contact, or involves criminal activity, violation of the facility rules, or a risk to the safety of persons, security, or orderly management of the facility, the visit shall be terminated by the staff and the visitor shall be required to leave facility property immediately. Visitors and prisoners shall follow all visitation rules governing visits and all instructions of staff. Failure to comply with the visitation procedures, visitation rules, or the instructions of staff may result in the visit being terminated and the visitor being required to leave facility property immediately. Staff shall complete appropriate documentation and submit it to the Shift Commander who shall forward it to the Chief Administrative Officer, or designee.
4. A terminated visit may be charged against a prisoner's maximum allowable number of visits as determined by the Chief of Security or other supervisory staff designated by the Chief Administrative Officer.
5. The Chief Administrative Officer, or designee, shall determine whether to impose a suspension or restriction of visiting privileges due to the conduct of the prisoner or visitor that caused the termination of the visit. The Chief Administrative Officer, or designee, may impose a suspension or restriction of visiting privileges for any other reason of safety, security, or orderly management. A restriction of visiting privileges may include a requirement of non-contact visitation.
6. If the suspension or restriction is imposed on the visitor, the suspension or restriction may be imposed for either a definite or indefinite period of time. An indefinite suspension may be imposed on a visitor only by the Chief Administrative Officer. Both the prisoner and visitor shall be notified in writing of a suspension or restriction of the visitor's visiting privileges.
7. If the restriction is imposed on the prisoner, it may be imposed for either a definite or indefinite period of time. A restriction may be imposed on a prisoner only by the Chief Administrative Officer.
8. Any suspension of the prisoner's visiting privileges may be imposed only by the Chief Administrative Officer and only with the approval of the Commissioner of Corrections. The suspension may last only as long as necessary to resolve the risk to safety, security, or orderly management. A suspension of the prisoner's visiting privileges shall not be imposed in any case in which a restriction of visiting privileges, such as a requirement of non-contact visitation, would be sufficient to address the risk.
9. The prisoner shall be notified in writing of a suspension or restriction of visiting privileges, whether imposed on the prisoner or the visitor.
10. A prisoner may use the grievance process to grieve a decision to terminate a visit or to

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deny, suspend or restrict visiting privileges. A visitor may contest a denial, suspension or restriction of visiting privileges by writing to the Chief Administrative Officer, or designee, within seven (7) business days of written notification.

11. In the case of a suspension or restriction of a visitor's visiting privileges for a definite period of time, once the specified time has elapsed, the visitor may apply for reinstatement of full visiting privileges by writing to the Chief Administrative Officer, or designee. The Chief Administrative Officer, or designee, may decide to grant reinstatement or extend the suspension or restriction for a definite period of time. In the case of a suspension or restriction of a visitor's visiting privileges for an indefinite period of time, after a year has elapsed, the visitor may apply for reinstatement of full visiting privileges by writing to the Chief Administrative Officer. The Chief Administrative Officer may decide to grant reinstatement, extend the suspension or restriction for a definite period of time or continue the suspension or restriction indefinitely.
12. In the case of a restriction of a prisoner's visiting privileges for a definite period of time, once the specified time has elapsed, the prisoner may apply for reinstatement of full visiting privileges by writing to the Chief Administrative Officer. The Chief Administrative Officer may decide to grant reinstatement or extend the restriction for a definite period of time. In the case of a restriction of a prisoner's visiting privileges for an indefinite period of time, after a year has elapsed, the prisoner may apply for reinstatement of full visiting privileges by writing to the Chief Administrative Officer. The Chief Administrative Officer may decide to grant reinstatement, extend the restriction for a definite period of time or continue the restriction indefinitely.
13. Nothing in this visitation policy and procedures applies to a prisoner who receives a disciplinary disposition of loss of visiting privileges for a disciplinary violation related to visits in accordance with the Department's disciplinary policy and procedures.

Procedure H: Visits by Minors

Each facility shall ensure that minors (persons under 18 years of age, unless married or emancipated by court order) are permitted to visit prisoners. Minor visitors must have an application completed on their behalf and must be accompanied at the visit by an immediate family member or legal guardian who is an adult (persons 18 years of age or older, married, or emancipated by court order). A professional visitor from the Department of Human Services may also be allowed to bring in a minor visitor with the prior approval of the Chief Administrative Officer, or designee.

VII. PROFESSIONAL STANDARDS

ACA: 2-CO-5D-01, 3-4255, 3-4440, 3-4441, 3-4441-1, 3-4442, 3-4443, 3-4445, 3-4446, 4-ACRS-5A-16, 4-ACRS-5A-17, 4-ACRS-5A-18

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